

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

vs.

CIVIL NO. 1:21-CV-112-MPM-DAS

\$4,000.00 IN U.S. CURRENCY, et al.

DEFENDANT

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

Comes now the United States of America, Plaintiff in the above-styled cause, by and through its undersigned United States Attorney for the Northern District of Mississippi, and brings this Complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**Nature of the Action**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property:

- a. \$4,000.00 in U.S. currency
- b. Various Communication Devices and Electronic Equipment specifically identified in Exhibit A, attached hereto and incorporated herein.

(collectively “the defendant property”),

as personal property constituting or derived from proceeds traceable to violations of 18 U.S.C. §§ 1028, 1029 (Identity Theft and Access Device Fraud, respectively), and thereby forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C).

### **Jurisdiction and Venue**

2. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property pursuant to 18 U.S.C. § 981(a)(1)(C). This Court has jurisdiction over this action under 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in this district pursuant to 28 U.S.C. §1355 and 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and because the property was located in this district.

### **Facts**

4. Beginning on or about February 9, 2021, and continuing to on or about February 11, 2021, Justin HERNANDEZ, Isaiah Rafael TAVAREZ, Carlos Tomas JAVIER, and Jose Antonio Salas VALEZA, all engaged in a conspiracy to obtain, and did obtain, cell phones and other electronic equipment from Walmart stores located in Tupelo, MS, by using stolen identifying information from AT&T customers.

5. By using stolen information and fake identification cards, the individuals were able to add themselves to existing AT&T accounts and upgrade the accounts to a new phone (each valued at approximately \$1,300.00) by only paying approximately \$80.00 in sales tax for each phone. The individuals would pay the sales tax for each phone in cash.

6. Some of the phones purchased were shipped from a FedEx shipping center in Tupelo, MS, to an address in Brooklyn, NY, that is associated with Jose Antonio Salas VALEZA. A portion of the defendant property represents items that law enforcement officials were able to intercept while in transit. Another portion of the defendant property was discovered during the execution of a search warrant on a Dodge Caravan that was being operated by Carlos Tomas

JAVIER and Jose Antonio Salas VALEZA.

**Basis for Forfeiture**

7. Based on the above facts, Plaintiff alleges that the defendant property named herein is personal property constituting or derived from proceeds traceable to violations of 18 U.S.C. §§ 1028, 1029 (Identity Theft and Access Device Fraud, respectively), and thereby forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C).

WHEREFORE, Premises considered, Plaintiff prays as follows:

- (1) That a Warrant of Arrest in rem issue to allow the United States to seize and/or retain possession of the Defendant property;
- (2) That notice issue according to the normal procedure of this Court and in accordance with 18 U.S.C § 983(a)(4)(A);
- (3) That judgment of forfeiture be decreed against the Defendant property;
- (4) That upon judgment of forfeiture, the United States be permitted to dispose of the defendant property in accordance with law;
- (5) For costs and for such other further relief to which Plaintiff may be justly entitled

Respectfully submitted,

CLAY JOYNER  
Acting United States Attorney

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SAMUEL D. WRIGHT  
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1. **Make:** APPLE, **Model:** IPHONE 12, **Serial Number:**  
DNPDPNJX0DXP  
BLACK IPHONE 12 - 64GB
2. **Make:** APPLE, **Model:** IPHONE 12, **Serial Number:**  
F17DNCGC0DXP IPHONE 12 - 64GB
3. **Make:** APPLE, **Model:** IPHONE 12, **Serial Number:**  
F17DNCXG0DXP IPHONE 12 - 64GB
4. **Make:** APPLE, **Model:** IPHONE 12, **Serial Number:**  
DNPDP8VJ0DXP IPHONE 12 - 64GB
5. **Make:** APPLE, **Model:** IPHONE 12 MINI, **Serial Number:**  
C7CDNLFF0GR9 IPHONE 12 MINI - 64GB
6. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** F2MF3AHL0D42 IPHONE 12 PRO MAX - 128GB
7. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0PDR6ZP0D46 IPHONE 12 PRO MAX-256GB
8. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDW2YW0D43  
IPHONE 12 PRO MAX - 256GB
9. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** F2LDXGH60O42  
IPHONE 12 PRO MAX -128GB
10. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0PDR68H0D46 IPHONE 12 PRO MAX- 256GB
11. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** F2LF3QW90D46 IPHONE 12 PRO MAX - 256GB
12. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0PDR54Z0D46 IPHONE 12 PRO MAX - 256GB
13. **Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** DNPDMPN30D80  
IPHONE 12 PRO - 128GB
14. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDQ8UQ0D46  
IPHONE 12 PRO MAX - 256GB
15. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDVHHH0D3Y IPHONE 12 PRO MAX - 128GB
16. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDV23D0D3Y IPHONE 12 PRO MAX -128GB
17. **Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NF4F940D42 IPHONE 12 PRO MAX-128GB

**18. Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDVLMPOD41  
IPHONE12 PRO MAX - 128GB

**19. Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDVMRTOD41  
IPHONE12 PRO MAX - 128GB

**20. Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** F17F3A4C0D80  
IPHONE 12 PRO-128GB

**21. Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** F17F39902D80 IPHONE 12 PRO- 128GB

**22. Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** F17F39Y10D80 IPHONE 12 PRO- 128GB

**23. Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** F17F37WK0D80 IPHONE 12 PRO- 128GB

**24. Make:** SAMSUNG, **Model:** GALAXY S21 ULTRA, **Serial Number:** G996USQU1ATLF SAMSUNG GALAXY S21 ULTRA-128GB

**25. Make:** APPLE, **Model:** AIR PODS PRO, **Serial Number:** H1FDG52T0C6L APPLE AIR PODS PRO

**26. Make:** APPLE, **Model:** IPHONE 12 PRO, **Serial Number:** DNQDH49E0D80  
IPHONE 12 PRO - 128GB

**27. Make:** APPLE, **Model:** IPHONE 12 PRO MAX, **Serial Number:** G0NDVPHG0D43 IPHONE 12 PRO MAX - 256GB

**28. Make:** Apple, **Model:** I-Phone 12 Pro MAX, **Serial Number:** F2LDVG6M0D43  
Apple I-Phone 12 Pro Max 256 GB Graphite with Sim Card.

**29. Make:** Apple, **Model:** I-Phone 12, **Serial Number:** GONDV7680D43  
Apple I-Phone 12 Pro Max 256 GB Graphite

**30. Communication Devices-Portable/Sim Card**  
**Serial Number:** 8901280332 AT&T 5G Activation Kit Sim Card.

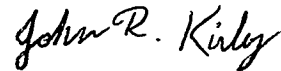
**VERIFICATION**

I, John R. Kirby, hereby verify and declare under penalty of perjury that I am a Special Agent of the United States Secret Service, that I have read the foregoing *Verified Complaint For Forfeiture In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the United States Secret Service.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: July 8, 2021.



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John R. Kirby  
Special Agent  
United States Secret Service